**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN**

**FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929**

**Bail Appl..No. 2659 of 2007**

**(CRIME NO. 189/2007 OF KOTTAYAM EAST POLICE STATION)**

**PETITIONER/2ND ACCUSED.**

**ANUSAD, S/O. BAVAKUNJU, AGED 41 YEARS,**
**PANAVILA VEEDU, THIRUMULLAVARAM, PUNNATHALA,**
**KOLLAM WEST VILLAGE, KOLLAM.**

**BY ADV. SRI.DILEEP P.PILLAI**

**RESPONDENTS:**

**STATE OF KERALA,**
**REPRESENTED BY THE PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI. P.A.SALAIM**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K.P.Balachandran, J.

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B.A.No. 2659 of 2007

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**ORDER**

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioner is the second accused in Crime No.189/07 of Kottayam East Police Station, registered for offence under Section 5(a) of the Kerala Rationing Order, 1996 read with Sections 3 and 7 of the Essential Commodities Act, 1955. It is alleged that at about 9.30 p.m. on 11.4.2007, the Superintendent of Police, Kottayam and police party detected illegally kept rationed rice at the premises of the first accused, transported in the vehicle driven by the second accused; that the said rationed rice is owned by the Civil Supplies Corporation and is intended for distribution to the public through ration shops and that thereby the accused committed the offences as aforesaid. Though the occurrence is alleged to have taken

place on 11.4.2007, the petitioner was not apprehended till date. It is only proper, in the circumstances, that anticipatory bail is granted to the petitioner with a direction to appear before the Investigating Agency so as to enable them to proceed with the investigation in the case.

In the result, I allow this bail application and direct that:

(i) the petitioner do surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) that on such surrender and on his depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioner shall be enlarged on bail;

(iii) that on such release the petitioner shall co-operate with the investigation in the case and

shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) that the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioner to the Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

tkv